

AO 106 (Rev. 04/010) Application for Search Warrant

AUTHORIZED AND APPROVED/DATE: Kaleigh Blackwell 01/06/2023

UNITED STATES DISTRICT COURT

WESTERN

for the
DISTRICT OF

OKLAHOMA

In the Matter of the Search of)

PROPERTY KNOWN AS: 1995 Ford Econoline)
 Red in Color (VIN) 1FDEE14H6SHB45640)
 Oklahoma tag LIT 714)

Case No: M-23-5-SM

IN POSSESSION OF: Kellie Moore)

APPLICATION FOR SEARCH WARRANT

I, Ross Ericsson, a federal law enforcement officer or attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that in the following property: 1- 1995 Ford Econoline Red in Color (VIN) 1FDEE14H6SHB45640 Oklahoma tag LIT 714, located at 117 Ranchwood Court in Oklahoma City Oklahoma.

See Attachment A, which is attached and incorporated by reference.

Located in the Western District of Oklahoma, there is now concealed: 1- handgun

See Attachment B, which is attached and incorporated by reference.

The basis for the search under Fed. R. Crim.P.41(c) is (*check one or more*):

- ☒ evidence of the crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

18 U.S.C. § 922

18 U.S.C § 1152, § 13, and 21 O.S. § 1283

Possession of a Firearm or Ammunition After Felony Conviction

Possession of a Firearm after felony conviction

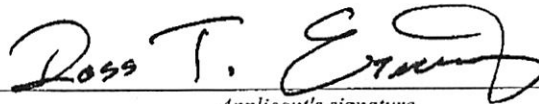
The application is based on these facts:

See attached Affidavit of Investigator Ross Ericsson, Chickasaw Nation Lighthouse Police, which is incorporated by reference herein.

☒ Continued on the attached sheet(s).

☐ Delayed notice of _____ days (*give exact ending date if more than 30 days*) is requested under 18

U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).



Applicant's signature

Ross Ericsson, Investigator,
Chickasaw Nation Lighthorse Police Department

Sworn to before me and signed in my presence.

Date: Jan 6, 2023

City and State: Oklahoma City, Oklahoma



Judge's signature

SUZANNE MITCHELL, U.S. Magistrate Judge
Printed name and title

as well as the United States, and to execute warrants issued under the authority of the United States.

3. The statements contained in this Affidavit are based in part on: information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Criminal Investigator with the LPD. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that **BRIAR WAYNE MOORE**, committed the below-described offenses, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part.

PROBABLE CAUSE

4. The information contained in this Affidavit is submitted for the limited purpose of establishing probable cause to secure a search warrant for a 1995 Ford ECONOLINE van, vehicle identification number (VIN): 1FDEE14H6SHB45640 (“the **SUBJECT VEHICLE**”), as described further in “Attachment A” (physical description), this vehicle is registered to Kellie Moore, the mother of Briar Moore, for evidence of violations of Title 18 United States Code, Section 922(g)(1), possession of a firearm or ammunition after a felony conviction as described further in “Attachment B” (description of items to be seized). The following is true to the best of my knowledge and belief. Since this affidavit is being submitted for the purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation.

On October 26th, 2022, at approximately 0225 hours, Deputy Michael Newsome with the McClain County Sheriff's Office was patrolling the area of 280th street in Goldsby Oklahoma, which is located within the bounds of McClain County and the Chickasaw Nation. Deputy Newsome observed a maroon in color van, bearing the Oklahoma license plate LIT 714, the **SUBJECT VEHICLE**, partially in the roadway facing North on a driveway into a field in the

23000 block of 280th, with a male that appeared to be passed out in the driver seat. The male is later identified as Briar Moore 03/01/1991. Deputy Newsome stopped to check the welfare of Moore. Deputy Newsome observed in plain view narcotics and drug paraphernalia upon contact, giving Deputy Newsome probable cause to conduct a search of the vehicle and Moore. Narcotics and drug paraphernalia were located in the vehicle along with three pistol holsters and 35 rounds of 9mm ammunition.

Moore was asked if he was a member of a federally recognized tribe. Moore stated yes. Moore is a verified member of the Choctaw Nation. Lighthorse Police Dispatch was advised. Once Lighthorse arrived, Deputies informed Officer Kasey Collie of the events during their interaction with Moore. Moore has been convicted of multiple felonies and is therefore prohibited from possessing firearms and ammunition. Officer Collie then placed Moore in his custody and placed him in the backseat of his patrol vehicle. Moore was placed under arrest for the Chickasaw Nation charges of felon in possession of a firearm or ammunition (for the 35 rounds of 9mm ammunition), possession of drug paraphernalia, and possession of controlled dangerous drugs. Moore was transported to the Grady County Jail where he remains at this time on Chickasaw Nation bond. Grady County Jail is also within the Chickasaw Nation boundaries. The **SUBJECT VEHICLE** was impounded and later released to Moore's mother Kellie Moore. The ammunition found in the **SUBJECT VEHICLE** was analyzed by Agent Brenden Taylor with the Bureau of Alcohol, Tobacco, Firearms and Explosives. Agent Taylor concluded that the ammunition was not manufactured in Oklahoma, thereby traveled in and affected interstate or foreign commerce to reach the state of Oklahoma.

On October 31st, 2022, at approximately 2212 hours, Moore made a recorded phone call from the Grady County Jail and told an individual that he had a purple in color gun hidden inside the van and that it was hidden too well for the police to find.

On December 28th, 2022, at approximately 2206 hours, Moore made another call to the same individual that he talked about the gun on October 31st at the same phone number. That individual asked if Moore had talked to his mother about the purple thing. Moore said “yeah,” that he did not want to talk about it on the phone, and that it’s “somewhere out there”. The individual responded that she was not worried about it, but she was “thinking if we could grab it, we will grab it.” In numerous other jail phone calls, this same individual, BRIAR MOORE, and Kellie Moore are heard coordinating the movement of another firearm.

On January 6th, 2023, at approximately 1430 hours, Sergeant Vernon Colman with the Lighthorse Police Department observed the **SUBJECT VEHICLE** parked at the residence of Kellie Moore, the mother of Briar Moore, located at 117 Ranchwood Court in Oklahoma City, Oklahoma, 73139. This address is within the **WESTERN DISTRICT** boundaries.

On January 6th, 2023, at approximately 1515 hours, your affiant spoke with Special Agent Brenden Taylor with Alcohol Tobacco and Firearms (ATF). Agent Taylor advised that there are no commercial gun manufacturers in the state of Oklahoma that make a purple in color handgun and that any ammunition inside said firearm would have been manufactured outside of Oklahoma. Based on this information and a lack of major firearm manufactures in Oklahoma, it is unlikely the gun was manufactured in Oklahoma. Therefore, it is likely that the hidden firearm or any ammunition inside would have traveled in and affected interstate commerce.

Based on evidence at the scene, jail phone calls, and the fact that it is unlikely this firearm was manufactured in the state of Oklahoma, there is probable cause to believe that **BRIAR MOORE** has violated Title 18 United States Code, Section 922(g)(1), possession of a firearm after a felony conviction and that evidence of this crime will be found in the **SUBJECT VEHICLE**. In the alternative, even if the sought firearm was manufactured in Oklahoma, there is probable cause to believe that **BRIAR MOORE** has violated the assimilated Oklahoma crime of


possession of a firearm after a former felony conviction under **Title 18 United States Code, Section 1152 and 13, and Title 21 Oklahoma Statute, Section § 1283** as MOORE is an Indian Person and the crime was committed within the Chickasaw Nation.

CONCLUSION

Your Affiant believes based on the above-described facts that evidence relating to felon in possession of firearm and felon in possession of ammunition, are located in the **SUBJECT VEHICLE**. I therefore respectfully request that This Court issue a search warrant for the **SUBJECT VEHICLE**, described in "Attachment A", authorizing the seizure of items described in "Attachment B".

WHEREFORE, Affiant asks that a search warrant be issued according to law directed to any Sheriff, Police Officer, or law enforcement officer in the State of Oklahoma, commanding that he or she search the property identified hereon, and detain the same as provided by law, and make a written return thereof according to law.

Respectfully Submitted,



Ross Ericsson, Criminal Investigations
Chickasaw Lighthouse Police Department

Sworn to and subscribed before me this 6th day of January 2023.



Suzanne Mitchell
U.S. MAGISTRATE JUDGE

ATTACHMENT A

DESCRIPTION OF PROPERTY TO BE SEARCHED

The entire vehicle described as a Red in color 1995 Ford ECONOLINE van VIN# 1FDEE14H6SHB45640, Oklahoma license plate number LIT714, registered to a Kellie Moore, located within the Western District of Oklahoma at 117 Ranchwood Court in Oklahoma City, Oklahoma, 73139, for any of the items described in Attachment B. The vehicle is depicted below:



ATTATCHMENT B

DESCRIPTION OF ITEMS TO BE SEIZED

The items to be seized are evidence, contraband, fruits, or instrumentalities of possession of a firearm after a felony conviction in violation of Title 18 United states Code Section 922(G)(1) namely:

1. Firearms and ammunition, including but not limited to, a purple in color 9mm pistol and associated magazine.